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Date: **10 April 2017**

TRIAL CHAMBER VI

Before: **Judge Robert Fremr, Presiding Judge**
Judge Kuniko Ozaki
Judge Chang-ho Chung

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF
THE PROSECUTOR V. BOSCO NTAGANDA

Public

Public redacted version of "Reply on behalf of Mr Ntaganda to "Prosecution's response to the 'Defence Request for Stay of proceedings with prejudice to the Prosecutor' (ICC-01/04-02/06-1830-Conf)", 30 March 2017, ICC-01/04-02/06-1840-Red"

Source: **Defence Team of Mr Bosco Ntaganda**

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Further to (i) the "Prosecution's response to the 'Defence Request for Stay of proceedings with prejudice to the Prosecutor' (ICC-01/04-02/06-1830-Conf)" submitted by the Office of the Prosecutor ("Prosecution") of the International Criminal Court ("Court") on 30 March 2017 ("Prosecution Response");[1] (ii) the "Request on behalf of Mr Ntaganda for leave to reply to 'Prosecution's response to the 'Defence Request for Stay of proceedings with prejudice to the Prosecutor' (ICC-01/04-02/06-1830-Conf)', 30 March 2017, ICC-01/04-02/06-1840-Conf" submitted on 3 April 2017 ("Defence Request for leave to reply");[2] and (iii) the Chamber's email of 6 April 2017 granting in part the Defence Request for leave to reply, Counsel representing Mr Ntaganda ("Defence") hereby submit this :

Reply to "Prosecution's response to the 'Defence Request for Stay of proceedings with prejudice to the Prosecutor' (ICC-01/04-02/06-1830-Conf)", 30 March 2017, ICC-01/04-02/06-1840-Red

"Defence Reply"

INTRODUCTION

1. On 20 March 2017, the Defence filed a "Defence Request for Stay of proceedings with prejudice to the prosecutor" ("Defence Request to Stay"),[3] wherein it argues that the Prosecution sought and obtained, without any restriction, all of Mr Ntaganda (and Mr Lubanga)'s non-privileged telephone conversations from the Court's Detention Centre ("Conversations" and "Detention Centre", respectively), knowing very well that the Conversations contained confidential Defence information, which the Prosecutor failed to immediately segregate from the Prosecution team in this case.[4] The Defence further submits that the Prosecution team, being in possession of such

[1] ICC-01/04-02/06-1840-Conf. A public redacted version was filed on 7 April 2017 (dated 6 April 2017), *see* ICC-01/04-02/0601840-Red.
[2] ICC-01/04-02/06-1848-Conf. Reclassification from Confidential to Public of the Defence Request for leave to reply was sought on 7 April 2017 and granted by the Chamber on 10 April 2017, *see* email from Chamber's Legal Officer dated 10 April 2017 at 10.34 a.m.
[3] ICC-01/04-02/06-1830-Conf. A public redacted version was filed on 21 March 2017, *see* ICC-01/04-02/06-1830-Red.
[4] ICC-01/04-02/06-1830-Red, para.6.

confidential Defence information, presented the *quasi* totality of its case while hiding from the Accused the fact that it had obtained all of his non-privileged conversations.[5] The Defence argues in the Defence Request for Stay that this created an irreparable prejudice for the Accused and that the Prosecutor's conduct of her Article 70 investigation impacted on Mr Ntaganda's fundamental rights in this case so gravely that only one remedy is warranted in the circumstances: a stay of proceedings with prejudice to the Prosecutor.[6]

2. Having been granted partial leave by the Chamber to reply to the Prosecution Response on four specific issues, the Defence hereby respectfully submits its Defence Reply, addressing the following issues: (i) the Prosecution Response misconstrues the overall premise for the Defence Request for Stay, namely the abuse of process resulting from the Prosecution team knowingly requesting and obtaining confidential Defence information during the presentation of its case without the Defence being informed ("Issue I"); (ii) the Prosecution Response misconstrues the Defence argument pertaining to the lack of segregation between the main trial and the Article 70 investigation ("Issue II"); (iii) the Prosecution Response improperly makes references to "false Defence strategy" ("Issue V:"); and (iv) the Prosecution fails to adequately explain the necessity of the *ex parte* character of the Article 70 investigation ("Issue VI").

CONFIDENTIALITY

3. Pursuant to Regulation 23*bis*(2) of the Regulations of the Court, the Defence submits this Defence Reply confidentially as it refers to a decision issued confidentially by the Chamber. The Defence will file a public redacted version of this Defence Reply.

[5] ICC-01/04-02/06-1830-Red, paras.6-8.
[6] ICC-01/04-02/06-1830-Red, paras.12-13.

SUBMISSIONS

I. <u>The Prosecution Response misconstrues the overall premise for the Defence Request for Stay, namely the abuse of process resulting from the Prosecution team knowingly requesting and obtaining confidential Defence information during the presentation of its case without the Defence being informed</u>

4. In paragraphs 60 to 64 of the Prosecution Response, the Prosecution claims that there was no abuse of process and, accordingly, no prejudice to the Accused. The Prosecution states, *inter alia*, that (i) "it is not an abuse of process for the Prosecution to investigate serious allegations that the Accused disclosed confidential witness information";[7] (ii) "nor is it unfair or prejudicial for the Prosecution to have accessed the main evidence of the criminal wrongdoing";[8] (iii) it "sought authorisation for further investigative steps from Pre-Trial Chamber II, including access to all the Accused's non-privileged telephone calls";[9] (iv) it further explained its need to have unredacted access to the calls for a complete investigation into alleged under article 70;[10] (v) "the process that the Trial Chamber adopted when reviewing a limited number of the Accused's conversations in the context of a request to restrict his communications was inapplicable to the case of an investigation under Article 70 of the Statute to investigate the Accused's culpability for criminal conduct";[11] and (vi) the Accused's assertion that he simply had no way of knowing that everything he said in non-privileged conversations from the Detention Centre is contradicted by Defence arguments advanced in 2015.[12]

5. The Defence Request for Stay in no way suggests that the Prosecution cannot, or should not, conduct investigations into allegations of wrongdoings,

[7] Prosecution Response, para.60.
[8] Prosecution Response, para.60.
[9] Prosecution Response, para.62.
[10] Prosecution Response, para.62.
[11] Prosecution Response, para.63.
[12] Prosecution Response, para.64.

including of witness interference. Further, the Defence does not challenge, in its Defence Request for Stay, whether the Conversations were obtained lawfully. This is a distinct issue to be argued separately. What the Defence takes issue with is that: (i) the Prosecution knowing very well the nature of the confidential Defence information contained in the Conversations, nonetheless requested and obtained unfiltered access to the same at the start of the presentation of the case for the Prosecution; (ii) the Defence was not informed that the Prosecution had obtained such access to the Conversations; and (iii) the Prosecution continued presenting the large majority of its case while being in possession of this *ex parte* material that included detailed confidential Defence information.

6. This is what the Defence argues constituted an abuse of process. The underpinning for the Defence Request for Stay is that, had the Defence been informed of the Prosecution's request to gain unfiltered access to the Conversations in the context of an Article 70 investigation, it could have taken steps aimed at ensuring the protection of Mr Ntaganda's fundamental rights and avoiding the irreparable situation we now face. At a minimum, the Defence could have insisted on the implementation of a review mechanism akin to that put in place by the Chamber in the context of the restrictions litigation and "could have strongly advocated the requirement for any conversations obtained by the Prosecutor not to be given to the Prosecution team in this case."[13] The Defence could also have taken steps to minimise the resulting prejudice to the Accused depending on the nature of the access to the Conversations the Prosecution was granted. This demonstrates, contrary to the Prosecution's submissions in the Prosecution Response, that the Defence does not challenge the Article 70 investigation *per se* but rather the unsegregated manner in which it the Prosecution team was granted unrestricted access to the Conversations, without informing the Defence.

[13] ICC-01/04-02/06-1830-Conf-Red, para.44.

7. Quite significantly, while the Prosecutor could perhaps have conducted other components of her Article 70 investigation *ex parte*, in the circumstances of this case, it was incumbent on the Prosecutor to segregate the information in the Conversations from the Prosecution team or to take other steps to meet due process requirements.

8. First, the Defence posits that while the Prosecution has a duty to investigate serious allegations of misconduct or wrongdoing, may it be in terms of witness interference, this does not waive the Prosecution's obligation to ensure that due process requirements are upheld in these proceedings. As already argued in the Defence Request for Stay,[14] there were ways available to the Prosecution whereby Mr Ntaganda's rights could have been respected while the Article 70 investigation was ongoing. By failing to even explore these mechanisms, the Prosecution created the situation which renders ordering a stay of proceedings imperative.

9. Second, whether or not the Prosecution legally obtained the Conversations has no bearing on the alleged abuse of process resulting from the Prosecution's actions. The Prosecution claims that, upon direction from this Chamber, it "sought authorisation for further investigative steps from Pre-Trial Chamber II, including access to all the Accused's non-privileged telephone calls", and that the Single Judge granted its request.[15] However, the Defence underscores that, as part of the Article 70 investigation, the Single Judge granted the *Prosecutor* access to the Conversations, not the Prosecution team.

10. It remained for the Prosecutor to take the appropriate measures in the circumstances, namely to segregate the Conversations from the Prosecution team to avoid that team obtaining information it had not gained access to in the confines of the main trial, and to which it should not have had access. She

[14] ICC-01/04-02/06-1830-Conf-Red, para.46.
[15] Prosecution Response, para.62.

failed to do so. Hence, the lack of segregation of the Conversations from the Prosecution team resulted in the Chamber being deprived of the opportunity to protect the integrity of the proceedings against Mr Ntaganda pursuant to Article 64(2) of the Statute.

11. Third, the Prosecution knew what type of information it would obtain when it sought unfiltered access to the Conversations from the Single Judge. The Prosecution fails to address the Defence argument that, on the basis of one of the Conversations it had already received, the Prosecution very well knew that the Conversations to which it was seeking full and unrestricted access through its Article 70 investigation would contain detailed confidential Defence information.[16] Despite knowing this, the Prosecutor sought the unfiltered access from the Single Judge and upon receiving the information, failed to segregate it from the Prosecution team in this case.

12. Fourth, the Prosecution argues but fails to justify why the screening mechanism put in place by the Chamber with regard the Prosecution team in the context of the restrictions litigation was no longer applicable to the same Prosecution team in the context of the Article 70 investigation. The Prosecution Response refers to the Prosecution's explanation to the Single Judge of "its need to have unredacted access to the calls for a complete investigation into alleged criminal conduct under article 70".[17]

13. The explanation that the Prosecutor should, for the purposes of her Article 70 investigation, have access to all the Conversations, unfiltered, does not justify why the Prosecution team in this case – which was denied access to some of the Conversations and/or was given access to redacted versions of the Conversations as a result of the screening mechanism implemented by the Chamber – should now be granted full and unfiltered access to more material *via* the Prosecutor's Article 70 investigation.

[16] ICC-01/04-02/06-1830-Conf-Red, para.41.
[17] Prosecution Response, para.62.

14. Fifth and finally, the Prosecution's arguments as to the Accused's knowledge that his Conversations could be obtained by the Prosecution are flawed. Indeed, while the Accused was aware that the Prosecution obtained some of the Conversations further to the filter mechanism put in place by the Chamber, he had no knowledge – once the Chamber imposed restrictions on his non-privileged communication rights and ended the review of his conversations by the Registry – that the Prosecution would seek to obtain additional Conversations, before a different forum and pursuant to a different legal provision.

15. Further, having been involved in the review of his conversations as part of the restrictions litigation, Mr Ntaganda had no knowledge that the Prosecution could obtain access to all remaining Conversations without him being informed.

16. Mr Ntaganda also had no knowledge that the Prosecution could obtain access to all remaining Conversations without any filter mechanism being implemented contrary to what had been done by this Chamber.

17. In addition, the Prosecution's argument that the Accused received proper notice through the Chamber twice noting the possibility for the Prosecution to bring a request for further investigative steps before a Pre-Trial Chamber,[18] should be dismissed. The Chamber's declarations did not put Mr Ntaganda on notice that the Prosecution would in fact seek from a different forum more information from the Conversations than that it had received as part of the restrictions litigation.

18. The lack of information and/or notice to the Accused that all remaining Conversations could be obtained by the Prosecution team in these proceedings, as described above, is obvious. The Prosecution Response fails to

[18] Prosecution Response, para.62, referring to ICC-01/04-02/06-T-22-CONF-ENG, p.2, ln.23 to p.3, ln.6; ICC-01-04-02/06-777-Conf-Exp, para.38.

articulate any explanation for the prejudice suffered by the Accused as a result therefrom.

II. The Prosecution Response misconstrues the Defence argument pertaining to the lack of segregation between the main trial and the Article 70 investigation

19. Attempting to address the Defence argument in the Defence Request for Stay that the Article 70 investigation should have been segregated from the main trial from the start, the Prosecution merely emphasises the Prosecution's duty to investigate crimes within its competence, which would justify in its view, the fact that it received the Conversations, unfiltered and without the knowledge of the Defence.[19]

20. Contrary to the Prosecution's submission in the Prosecution Response, the Defence Request for Stay does not fail to cite the *Bemba* Appeals Chamber accurately.[20] The Defence provided a correct citation of the Appeals Chamber's holding that the involvement of a prosecuting trial team in the initial phases of article 70 proceedings arising from that case does not necessarily give rise to reasonable doubts as to the Prosecutor's impartiality. The Prosecution Response, however, omits the sentence that follows and in which the Appeals Chamber clearly marks its position that "it is generally preferable" that this not be the case. While it may have been pronounced *obiter*, this is a critical holding by the Appeals Chamber that the Chamber must consider in adjudicating the Defence Request for Stay. The applicability of the holding of the Appeals Chamber in *Bemba* will be determined on a case by case basis, in light of the circumstances at hand. It is self-evident that when the involvement of the Prosecution in the early phases of an Article 70 investigation has an impact on due process, the fairness of trial, and the fundamental rights of the accused person, the Prosecution from the main trial

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[19] Prosecution Response, paras.10, 60-63.

[20] ICC-01/04-02/06-1830-Conf-Red, para.47, referring to *Prosecutor v.Bemba et al*, Decision on the requests for the Disqualification of the Prosecutor, the Deputy Prosecutor and the entire OTP staff, ICC-01/05-01/13-648-Red3, 21 October 2014, para.40.

shall not be involved in this Article 70 investigation. In the present instance, the Prosecution presented the *quasi* totality of its evidence while being in possession of confidential Defence information and without the Defence being informed. In such a case, segregation of the Prosecution team from the Prosecutor was imperative. This is all the more so that under Article 70 of the Statute, contrary to other international courts,[21] the Prosecution is bestowed with the sole responsibility to investigate offences against the administration of justice and, as such, bears the responsibility to ensure the fairness of the proceedings it initiates.

21. The Prosecution Response then focuses on purported differences between the *Bemba* case and the present proceedings. The Defence posits that there are no material differences between these two cases that could reasonably justify adopting a different approach in terms of conducting an Article 70 investigation in parallel to a trial for charges under Article 5 of the Statute by the same Prosecution team in one case and not in the other. In particular, the Defence recalls that while the Conversations do not include Mr Ntaganda's privileged communications with Counsel, they nonetheless provided the Prosecution with a colossal amount of detailed confidential Defence information.

22. Indeed, the voluminous and detailed confidential Defence information obtained by the Prosecution team as it was presenting its case and without informing the Defence constitutes a violation of the rights of the Accused and

[21] *See* Rule 77(C) of the Rules of Procedure and Evidence of the International Criminal Tribunal for the former Yugoslavia, IT/32/Rev.50, which provides: "When a Chamber has reason to believe that a person may be in contempt of the Tribunal, it may: (i) direct the Prosecutor to investigate the matter with a view to the preparation and submission of an indictment for contempt; (ii) where the Prosecutor, in the view of the Chamber, has a conflict of interest with respect to the relevant conduct, direct the Registrar to appoint an *amicus curiae* to investigate the matter and report back to the Chamber as to whether there are sufficient grounds for instigating contempt proceedings; or (iii) initiate proceedings itself. *See also* Rule 77(C) of the Rules of Procedure and Evidence of the Residual Special Court for Sierra Leone,

a violation of due process requirements as important as gaining access to privileged communications.

23. Further, while it may have been legitimate for the Prosecution to initiate an investigation into what it thought were allegations of interference with its witnesses, this did not justify not segregating this investigation from the main trial once it was clear that the Prosecution would receive confidential Defence information therefrom.

24. In any event, in this case, the fact that the Conversations were not privileged material has no bearing on the extent of the prejudice suffered by the Accused as a result of the Prosecution knowingly seeking, and obtaining, *ex parte* access to the Conversations. In the circumstances of this case, segregation of the Conversations obtained from the Prosecution team was necessary to ensure due process. Such segregation did not occur and this is where the Accused's prejudice lies.

25. Therefore, the Prosecution's argument that there was no requirement for a separate review in the present instance must be rejected.

III. The Prosecution Response improperly makes references to "false Defence strategy"

26. In the Defence Request for Stay, the Defence argues that "[t]he nature, type, and quantity of detailed confidential Defence information obtained by the Prosecution team during the presentation of its case in chief – and without the knowledge of Mr Ntaganda – not only provided the Prosecution with a significant undue advantage, it caused grave prejudice to Mr Ntaganda and as well as to the integrity of the proceedings."[22]

[22] ICC-01/04-02/06-1830-Conf-Red, para.65.

27. The Prosecution Response improperly and summarily disregards this Defence argument on the basis that in any event the material it had access to through the Conversations constitutes 'illegitimate' or 'false' Defence strategy.[23]

28. First, even before addressing the Prosecution's argument regarding the nature of the information obtained, it is of the utmost importance to note that the Prosecution recognises having obtained confidential Defence information. Even if the Prosecution team genuinely believes the confidential Defence information obtained to be false, the fact remains that the Prosecution team gained knowledge of the Accused's Defence strategy, as it was presenting its case, without the Accused being informed.

29. Second, the Defence submits that it is not for the Prosecution to qualify the contents of the confidential Defence information it obtained and which is not on the record as evidence. Rather, it is for the Chamber to rule on the charges against Mr Ntaganda at the end of trial and on the basis of the evidence on the record. Such attempt by the Prosecution at labelling Mr Ntaganda's own version of events and his recollection of material facts that he conveyed to interlocutors in private telephone conversations is wholly inappropriate and should be disregarded by the Chamber.

30. Third, the deprecation of the contents of the Conversations provided to the Chamber by the Prosecution as being a 'false Defence strategy' further deepens the abuse of process to which Mr Ntaganda has been subjected. By challenging in this manner the contents of the confidential Defence information it obtained and by putting the Conversations before the Chamber as something which is, in any event, false, the Prosecution further infringes on Mr Ntaganda's right to a fair hearing conducted impartially as well as to his right to remain silent under Article 67(1) of the Statute.

[23] Prosecution Response, paras.79, 81.

31. Fourth, the underpinning of the Defence Request for Stay is that through its Article 70 investigation, the Prosecution knowingly requested and obtained confidential Defence information, without the Defence being informed. Far from denying having received this Defence information, the Prosecution acknowledges the fact but claims instead such access was entirely legitimate and that in any event, the Defence speculates as to how the Prosecution used the Conversations during the presentation of its case.[24] The Prosecution fails to address the Defence arguments related to the extent and substance of the confidential Defence information it received.

32. Rather, the Prosecution affirms that it did not use the Conversations "to select witnesses or make any other litigation-related assessment".[25] This is simply inconceivable in light of the volume and substance of the material received. In any event, in performing its own evaluation of the Conversations, the Chamber will itself be in a position to detect the full extent and nature of the information obtained by the Prosecution. Further, to assess the prejudice suffered by Mr Ntaganda, it is the impact of the access by the Prosecution to the Conversations as a whole, without the Defence being aware, that the Chamber must consider, not the Prosecution's unsubstantiated representation that it ultimately did not use the material it had access to. The fact of the matter is that the Prosecution was in a position to select ten of the Conversations for submission from the bar table,[26] to prepare its "Prosecution Request for additional Defence disclosure" for instance,[27] or to add hundreds of audio-recordings and summaries of the Conversations onto its lists of evidence.[28] All of these prosecutorial steps were taken as a result of the Prosecution's access to the Conversations. This is part of what the Defence

[24] Prosecution Response, para.82.
[25] Prosecution Response, para.77.
[26] ICC-01/04-02/06-1769.
[27] ICC-01/04-02/06-1783-Red.
[28] ICC-01/04-02/06-1646; ICC-01/04-02/06-1762.

argues constituted abuse of process and resulted in an irremediable prejudice to the Accused.

IV. **The Prosecution fails to adequately explain the necessity of the *ex parte* character of the Article 70 investigation**

33. The Defence Request for Stay clearly indicated that in the specific circumstances at hand, maintaining the *ex parte* nature of the Article 70 investigation was unnecessary given that the Conversations already existed and could not be tampered with.[29]

34. The Defence did not challenge the fact that some components of the Article 70 investigation may have been legitimately performed *ex parte* by the Prosecution. However, due process requirements were clearly breached when the Prosecution team obtained access to confidential Defence information in the Conversations at the commencement of the presentation of the case for the Prosecution without the Defence being informed. In relation to having requested and gained access to the Conversations, there was absolutely to reasonable explanation justifying maintaining the *ex parte* character of that aspect of the Article 70 investigation for so long.

35. The Prosecution's submission that the Defence arguments do not meet the case law cited by the Prosecution[30] is flawed.

36. A fundamental requirement of a fair trial is that both parties are informed of all submissions and information relevant to the case that are before the Chamber – in particular, submissions made or information provided by one another. As explained by the *Lubanga* Trial Chamber "*ex parte* procedures are only to be used exceptionally when they are truly necessary and when no

[29] ICC-01/04-02/06-1830-Conf-Red, para.43.
[30] Prosecution Response, para.58.

other, lesser, procedures are available, and the court must ensure that their use is proportionate given the potential prejudice to the accused''.[31]

37. Any non-disclosure must therefore be as narrowly-tailored in scope and time as possible and the party seeking the *ex parte* communication bears the burden of justifying that status, especially when the subject-matter also touches upon the merits of the proceedings.[32]

38. Further, the Prosecution Response fails to address why in the specific circumstances, where the Conversations on which the allegations could be mounted already existed, the *ex parte* character of the Article 70 investigation remained necessary for so long in order to maintain the integrity of the proceedings. Instead, it merely repeats a broad argument that the use of *ex parte* proceedings was appropriate as is usually the case for Article 70 investigations.[33]

39. It is telling that the situation in November 2016 – when the Defence was informed of the Article 70 investigation and subsequently received the Conversations – did not change in any material way to what it had been in September 2015 – when the Prosecution was provided access to the Conversations. There is no reasonable justification as to why the disclosure of the Conversations in November 2016 needed to have waited for so long. What is apparent is that the Prosecution seems to have suddenly realised – at a time when it was preparing its response to the *Bemba et al*. appeal brief raising a similar issue – that the lack of the information as to the Article 70

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[31] *Prosecutor v. Lubanga*, Decision on the procedures to be adopted for ex parte proceedings, ICC-01/04-01/06, 6 December 2007, para.12.

[32] *Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-PT, Decision on Motion to Unseal Ex Parte Submissions and to Strike Paragraphs 32.4 and 49 from the Amended Indictment, 3 May 2005, para.11; *Prosecutor v. Blaškić*, Case No. IT-95-14-R, Decision on Defence's Request for Relief with Regard to Ex Parte Filings, 20 November 2006, p.4; *Prosecutor v. Karadžić*, Decision on a Motion for Redacted Versions of Decisions Issued Under Rule 75(H) of the ICTY Rules, Case No. MICT-13-55-A, 18 July 2016; Practice Direction on Procedure for the Variation of Protective Measures Pursuant to Rule 86(H) of the Mechanism's Rules of Procedure and Evidence for Access to Confidential ICTY, ICTR and Mechanism Material, MICT/8, 23 April 2013, para.6.

[33] Prosecution Response, para.67.

investigation and the non-disclosure of the Conversations were problematic and had to be resolved.

40. Finally, the Defence refers to [REDACTED].[34] In this Decision, the Chamber considered [REDACTED].[35] The Defence notes, however, that when issuing the Decision, the Chamber was neither in possession of all the information showing the Prosecution's full and unrestricted access to the Conversations nor was it aware of the extent and nature of the confidential Defence information contained in the Conversations.

V. Conclusion

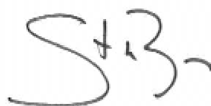
41. For the reasons set out in this Defence Reply, the arguments in the Prosecution Response should be dismissed and the Defence Request for Stay should be granted.

RELIEF SOUGHT

In light of the above submissions, the Defence respectfully requests the Chamber to:

GRANT the Defence Request for Stay.

RESPECTFULLY SUBMITTED ON THIS 10TH DAY OF APRIL 2017



Me Stéphane Bourgon, Counsel for Bosco Ntaganda

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[34] [REDACTED].
[35] [REDACTED].